

**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DIVISION[605]**

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 29C.8(3)“c,” the Homeland Security and Emergency Management Division proposes to amend Chapter 7, “Local Emergency Management,” Iowa Administrative Code.

The Homeland Security and Emergency Management Division proposes to amend rule 605—7.7(29C) to update the allocation and distribution process for Emergency Management Performance Grant pass-through moneys received from the federal Department of Homeland Security. These amendments specify that the 50 percent pass-through amount will be allocated to local emergency management commissions using a combination of the existing formula and a new formula in which 60 percent of available funds are allocated based on an equal share for all applicants, 20 percent of available funds are allocated based on population, and 20 percent of available funds are allocated based on the assessed value of property within a commission’s jurisdiction. Over the course of five years, the allocation process will completely migrate to the new formula.

These proposed amendments were developed and presented by the Iowa Emergency Management Association.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before March 8, 2011. Such written materials should be sent to the Administrator, Iowa Homeland Security and Emergency Management Division, 7105 N.W. 70th Avenue, Camp Dodge, Building W-4, Johnston, Iowa 50319; fax (515)725-3260.

Also, the Division will conduct six public hearings at the following times and locations:

February 15, 2011	7 p.m.	Auditorium Western Iowa Tech Community College Cherokee
February 22, 2011	7 p.m.	Red Oak Fire Station 1904 North Broadway Street Red Oak
February 24, 2011	7 p.m.	Indian Hills Community College 525 Grandview Avenue Rural Health Education Center Building, Room 5 Ottumwa
February 28, 2011	7 p.m.	Floyd County Courthouse 101 South Main Street Charles City
March 1, 2011	7 p.m.	Johnson County Emergency Operations Center 4529 Melrose Avenue Iowa City
March 8, 2011	7 p.m.	Polk County Emergency Operations Center 1907 Carpenter Avenue (east entrance) Des Moines

At all hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Homeland Security and Emergency Management Division at (515)725-3231 to advise of specific needs.

These amendments are intended to implement Iowa Code chapter 29C.

The following amendments are proposed.

ITEM 1. Amend subrule 7.7(1) as follows:

7.7(1) Eligibility. Local or joint emergency management commissions may be eligible for funding under the state and emergency management performance grant program by meeting the requirements, conditions, duties and responsibilities for emergency management commissions and ~~county~~ local emergency management coordinators established in rules ~~605—~~7.3(29C) and ~~605—~~7.4(29C). ~~In addition, the local commission shall ensure that the coordinator works an average of 20 hours per week or more toward the emergency management effort. Joint commissions shall ensure that the coordinator works an average of 40 hours per week toward the emergency management effort.~~

ITEM 2. Amend subrule 7.7(3) as follows:

7.7(3) Allocation and distribution of funds. EMPG funds shall be allocated and distributed in accordance with methods listed in paragraphs “a” and “b” of this subrule. Beginning with the federal fiscal year immediately following [insert effective date of this amendment], 100 percent of the funds shall be allocated and distributed based on Method A. In subsequent years, funds shall be allocated and distributed as follows:

<u>Year 2</u>	<u>75 percent based on Method A, 25 percent based on Method B</u>
<u>Year 3</u>	<u>50 percent based on Method A, 50 percent based on Method B</u>
<u>Year 4</u>	<u>25 percent based on Method A, 75 percent based on Method B</u>
<u>Year 5 and thereafter</u>	<u>100 percent based on Method B</u>

a. Method A.

~~a.~~ (1) The homeland security and emergency management division shall allocate funds to eligible local or joint commissions within 45 days of receipt of notice from the federal Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, that such funds are available. The division shall use a formula for the allocation of funds based upon the number of eligible ~~applicants~~ commissions, the part-time or full-time status of the coordinator, ~~a~~ 50 percent equal-share base, and ~~a~~ 50 percent population base. The total allocation of funds for ~~an applicant~~ a commission may not exceed the lesser of \$39,000 or the amount requested by the ~~applicant~~ commission.

~~b.~~ (2) The formula shall be applied in the following manner: The pass-through amount is divided equally between an equal-share base and a population base.

~~(1)~~ 1. The total amount of ~~total~~ equal-share base dollars is divided by the total number of EMPG ~~counties~~ commissions to establish a per-~~county~~ commission average. For ~~counties~~ commissions with part-time coordinators, the per-~~county~~ commission average is reduced by 50 percent to determine the part-time ~~county~~ commission allocation. The total baseline dollar amount, minus the cumulative total dollars already allocated to part-time ~~counties~~, commissions is then divided by the total number of ~~counties~~ commissions with full-time coordinators to determine the full-time ~~county~~ commission allocation.

~~(2)~~ 2. The population base amount for each ~~county~~ commission is determined by adding the populations of all ~~counties~~ eligible commissions together; then each ~~county's~~ commission's population is divided by that total population to determine a percentage. The total population base dollars are then multiplied by a ~~county's~~ commission's percentage to determine that ~~county's~~ commission's share of the population base dollars. The commission's population shall be determined by the population of the county or the sum of the population of the counties in the commission's jurisdiction.

€- (3) Funds will be reimbursed to local and joint commissions on a federal fiscal year, quarterly basis; and such reimbursement will be based on eligible claims made against the local or joint commission's allocation. In no case will the allocation or reimbursement of funds be greater than one-half of the total cost of eligible emergency management-related expenses.

b. Method B.

(1) The homeland security and emergency management division shall allocate funds to eligible local or joint commissions within 45 days of receipt of notice from the federal Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, that such funds are available. The division shall use a formula for the allocation of funds based upon the number of eligible applicants, a 60 percent equal-share base, a 20 percent population base, and a 20 percent total assessed value of property within the commission's jurisdiction.

(2) The formula shall be applied in the following manner: 60 percent of the pass-through amount is allocated based on equal share; 20 percent of the pass-through amount is allocated based on population; and 20 percent of the pass-through amount is allocated based on assessed value of property within the commission's jurisdiction.

1. The total amount of equal-share base dollars is divided by the total number of EMPG-eligible commissions.

2. The population base amount for each commission is determined by adding the populations of all eligible commissions together; then each commission's population is divided by that total population to determine a percentage. The total population base dollars are then multiplied by a commission's percentage to determine that commission's share of the population base dollars. Population is determined according to the most recent federally certified census.

3. The assessed value base amount for each commission is determined by adding the assessed values of property in all eligible commissions together; then each commission's assessed value of property is divided by the total assessed value of property in eligible commissions to determine a percentage. The total assessed value base dollars are then multiplied by the commission's percentage to determine the commission's share of the assessed value dollars. The assessed values are determined from the most recent full assessed values according to the Iowa State Association of Counties financial overview and its original sources.

(3) Funds will be reimbursed to local and joint commissions on a federal fiscal year, quarterly basis; and such reimbursement will be based on eligible claims made against the local or joint commission's allocation. In no case will the allocation or reimbursement of funds be greater than one-half of the total cost of eligible emergency management-related expenses.

ITEM 3. Amend paragraph 7.7(6)“a” as follows:

a. *Informal corrective action.* As a first and basic step to correcting nonperformance, a designated member of the state homeland security and emergency management division staff will visit, call or write the local coordinator or commission chairperson to determine the reason for nonperformance and seek an agreeable resolution.

ITEM 4. Amend paragraph 7.7(7)“h” as follows:

h. Any emergency management ~~perforee~~ performance grant program funds withheld or recovered by the division as a result of this process shall be reallocated at the end of the federal fiscal year to the remaining eligible participating counties commissions in accordance with the provisions of this rule. Any supplemental emergency management performance grant program funds received by the division shall be allocated to eligible participating commissions in accordance with the provisions of this rule.